

REMARKS

Upon entry of this Response, claims 1-3 and 5-21 remain pending in the present patent application. Claim 22 has been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 1, 5-6, 8-12, 14-18, and 20-22 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Berstis (U.S. Patent No. 6,337,688). Claims 2, 3, 7, 13, and 19 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Berstis in view of Parulski (U.S. Patent No. 5,900,909).

Claim 22 has been canceled.

With respect to the rejections of the independent claims (1, 5, 11, 17, 20 and 21), although Applicants believe that the term “orientation” has been used with a clearly different meaning in the application and in Berstis, these claims have been amended to make explicit the definition used in the application. Specifically, whereas Berstis uses the term “orientation” to refer to the direction an imaging device is pointing, Applicants refer to the angle at which a camera is tilted or rolled between a portrait and a landscape orientation. An example of this tilt angle usage of the term orientation is given on pages 3 and 7 of Applicants’ specification (emphasis added):

“FIGs. 2A-2D are a series of figures illustrating views of a video clip frame captured by an image capture device 100 (FIG. 1). FIG. 2A illustrates a frame 200 revealing a fish 202 swimming over a coral head 204. It is understood that the image capture device 100 is configured to operate underwater in this exemplary situation. Immediately in front of fish 202 and coral head 204 is a region of water 206 that may not be of particular interest to a viewer. Accordingly, the user of image capture device 100 may **rotate the image capture device 100 by ninety degrees (90) , thereby capturing a video clip of the fish 202 in a portrait orientation**, as illustrated in the frame 208 of FIG. 2B.”

“One embodiment employs a sensor that is configured to indicate whether the image capture device is **oriented in a portrait orientation or a landscape orientation** at the time of image capture. **Such information may indicate a left portrait or a right portrait orientation, depending upon the direction that the image capture device 100 is turned.** Another sensor 308 may be configured to provide information that the image capture device is upside down.”

In contrast to this tilt angle usage of the term orientation, *Berstis* describes a rotational input being received by a virtual reality presentation system, and in response to the rotational input, a frame is selected for display having an associated orientation closest to that indicated by the rotational input. See col. 9, lines 1-10. *Berstis* fails to disclose that the displayed frame "is oriented the same as an orientation of the image capture system when the frame was captured," however. *Berstis*, in contrast, selects a frame for viewing that has an associated orientation that matches closely with a rotational input. Display of the frame is not disclosed to be oriented in a particular way based on the orientation information, in *Berstis*. Therefore, *Berstis* does not teach or suggest each element of the independent claims.

Accordingly, *Berstis* does not anticipate the independent claims, and the rejections should be withdrawn.

The dependent claims are believed allowable at least because of their dependence from allowable independent claims.

For at least the reasons provided above, Applicants respectfully submit that all rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (303) 298-9888.

Respectfully submitted,
KLAAS, LAW, O'MEARA & MALKIN, P.C.

By: /Guy K. Clinger/
Guy K. Clinger, Esq.
Registration No. 42,422
1999 Broadway, Suite 2225
Denver, CO 80202
(303) 298-9888
Fax: (303) 297-2266